

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: JOHN D. CLOPPER
SARAH E. LIGHT
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2716/2774
Fax: (212) 637-0033

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	
YEMISI AKINYEMI,	:
	:
Plaintiff,	:
	:
	:
v.	:
	:
	:
MICHAEL CHERTOFF, SECRETARY,	:
DEPARTMENT OF HOMELAND	:
SECURITY,	:
	:
Defendant.	:
	:
-----X	

ECF Case

07 Civ. 4048 (AJP)

**DECLARATION OF
JOHN D. CLOPPER**

JOHN D. CLOPPER makes the following declaration pursuant to 28 U.S.C. § 1746:

1. I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the defendant Michael Chertoff, Secretary, Department of Homeland Security.
2. Judgment was granted by this Court in defendant's favor after a four-day trial by jury verdict on July 31, 2008.
3. Judgment was entered on July 31, 2008.

4. Civil Rule 54.1(c)(1) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York allows for taxation of costs “any part of the original trial transcript that was necessarily obtained for use in this court.”

5. During the course of the case, Judge Peck requested that the parties obtain transcripts of all hearings conducted in the case.

6. Attached hereto as Exhibit A are true and correct copies of invoices from Southern District Court Reports P.C. for the trial transcripts of this action. The total cost of the those transcripts is \$6,444.36.

7. Local Civil Rule 54.1(c)(2) also allows taxation of costs for the “original transcript of a deposition, plus one copy . . . if the deposition was used or received in evidence at the trial, whether or not it was read in its entirety.”

8. The transcripts of the depositions of the following witnesses were used at the trial of this case: Yemisi Akinyemi, Akintunde Seweje, and Bishop Joseph Adedeji.

9. Attached hereto as Exhibit B is a true and correct copy of an invoice from Ralph Fink & Associates, Inc. (“RFA”) for the transcript of the Akinyemi deposition, taken on September 12, 2007. The invoice is in the total amount of \$1,088.51, of which \$990.15 reflects the cost of the original transcript and two copies.

10. Attached hereto and Exhibit C is a true and correct copy of an invoice from RFA for the transcript of the Seweje deposition, taken on November 16, 2007. The invoice is in the total amount of \$227.55, which reflects the cost of the original transcript and two copies.

11. Also included in Exhibit C is a true and correct copy of an invoice from RFA for the transcript of the Adedeji deposition, taken on November 16, 2007. The invoice is in the amount of \$338.25, which reflects the cost of the original transcript and two copies.

12. Attached hereto as Exhibit D is a true and correct copy of an electronic message from Jeannette Erickson, Administrator at RFA, stating that the charge for the original transcript of a deposition plus one copy is the same as for an original plus two copies.

13. Accordingly, the total taxable costs incurred for deposition transcripts in this case are \$1,555.95.

14. The total taxable costs incurred by defendant in this action are \$8,000.31.

15. The foregoing costs are allowable by law pursuant to Rule 54(d) of the Federal Rules of Civil Procedure and Local Rule 54.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, are correctly stated, and were necessarily incurred in this action, and the services for which fees have been charged were actually and necessarily performed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
August 25, 2008

MICHAEL J. GARCIA
United States Attorney

By: /s/ John Clopper
JOHN D. CLOPPER
SARAH E. LIGHT
Assistant United States Attorneys
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2716/2774
Facsimile: (212) 637-0033
john.clopper@usdoj.gov
sarah.light@usdoj.gov

ATTACHMENT A

Standard Form 1034 Revised October 1987 Department of the Treasury 1770-4-2000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATE ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007				DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.	
PAYEE'S NAME AND ADDRESS ID# 13-2775946 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007 ORDER # 73693				CONTRACT NUMBER AND DATE 0109267-1N		PAID BY	
				REQUISITION NUMBER AND DATE			
						DATE INVOICE RECEIVED	
						DISCOUNT TERMS	
				CASE # 07CV04048		PAYEE'S ACCOUNT NUMBER	
SHIPPED FROM				TO		WEIGHT	
NUMBER AND DATE OF ORDER		DATE OF DELIVERY OR SERVICE		ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)		QUANTITY	
						UNIT PRICE COST PER	
				YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY Original MINU		AMOUNT (1)	
PICK UP				182 7.98 PGES 1,452.36 182 1.20 PGES 218.40			
				DATE OF PROCEEDINGS 7/28/2008 TO 7/28/2008 NIGHT			
				GOVERNMENT ONLY			
(Use continuation sheets if necessary)				(Payee must NOT use the space below)			
PAYMENT:		APPROVED FOR		EXCHANGE RATE		TOTAL	
<input type="checkbox"/> PROVISIONAL		BY		= \$ 1,670.76		= \$1.00	
<input type="checkbox"/> COMPLETE		AUSA				DIFFERENCES	
<input type="checkbox"/> PARTIAL		TITLE John Chopper					
<input type="checkbox"/> FINAL						Amount verified; correct for	
<input type="checkbox"/> PROGRESS						(Signature or initials)	
<input type="checkbox"/> ADVANCE							
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.							
(Date)		(Authorized Certifying Officer)				(Title)	
ACCOUNTING CLASSIFICATION							
A1540322 IE4054 2510				1,670.76			
CHECK NUMBER		ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER		ON (Name of bank)	
CASH		DATE		PAYEE			
\$						PER	
						TITLE	

When stated in foreign currency, insert name of currency.

If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.

A voucher is required in the name of a company or corporation, the name of the person writing the company or corporate as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "as the case may be."

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1004 Revised October 1987 Department of the Treasury 17504-0-3000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.							
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATE ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007				DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.							
				CONTRACT NUMBER AND DATE 0109268-IN		PAID BY							
				REQUISITION NUMBER AND DATE									
PAYEE'S NAME AND ADDRESS ID# 13-2775948 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007		ORDER # 73694 CASE # 07CV04048				DATE INVOICE RECEIVED							
						DISCOUNT TERMS							
						PAYEE'S ACCOUNT NUMBER							
SHIPPED FROM				TO		WEIGHT		GOVERNMENT B/L NUMBER					
NUMBER AND DATE OF ORDER		DATE OF DELIVERY OR SERVICE		ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)		QUAN- TITY		UNIT PRICE		AMOUNT			
								COST		PER		()	
PICK UP				YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY		238		7.98		PGES		1,899.24	
				Original		238		1.20		PGES		285.60	
				MINU									
				DATE OF PROCEEDINGS 7/29/2008 TO 7/29/2008									
				NIGHT									
				GOVERNMENT ONLY									
(Use continuation sheets if necessary)				(Payee must NOT use the space below)				TOTAL					
PAYMENT:		APPROVED FOR		EXCHANGE RATE		DIFFERENCES						2,184.84	
<input type="checkbox"/> PROVISIONAL		= \$ 2,184.84		= \$1.00									
<input type="checkbox"/> COMPLETE		BY ²											
<input type="checkbox"/> PARTIAL		AUSA											
<input type="checkbox"/> FINAL		TITLE		John Clopper									
<input type="checkbox"/> PROGRESS													
<input type="checkbox"/> ADVANCE													
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.													
(Date)				(Authorized Certifying Officer) ²				(Title)					
ACCOUNTING CLASSIFICATION													
A1540322 IE4054 2510												2,184.84	
CHECK NUMBER				ON ACCOUNT OF U.S. TREASURY				CHECK NUMBER				ON (Name of bank)	
CASH				DATE				PAYEE ¹					
S													
¹ When stated in foreign currency, insert name of currency. ² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the certifying officer will sign in the space provided, over his official title. A voucher is required in the name of a company or corporation, the name of the person writing the company or corporate as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "Surety", as the case may be.										PER			
										TITLE			

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT
The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1034 Revised October 1987 Department of the Treasury 1 TFM 4-2000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION				DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO.	
UNITED STATE ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007				CONTRACT NUMBER AND DATE 0109269-IN		PAID BY	
				REQUISITION NUMBER AND DATE			
PAYEE'S NAME AND ADDRESS		ID# 13-2775948 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007				DATE INVOICE RECEIVED	
		ORDER # 73695				DISCOUNT TERMS	
		CASE # 07CV04048				PAYEE'S ACCOUNT NUMBER	
SHIPPED FROM		TO		WEIGHT		GOVERNMENT B/L NUMBER	
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES (Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)	QUANTITY	UNIT PRICE COST PER		AMOUNT (¹)	
PICK UP		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY					
		Original	191	7.98	PGE\$	1,524.18	
		MINU	191	1.20	PGE\$	229.20	
		DATE OF PROCEEDINGS 7/30/2008 TO 7/30/2008 NIGHT					
(Use continuation sheets if necessary)		GOVERNMENT ONLY		TOTAL			
PAYMENT:		APPROVED FOR	EXCHANGE RATE	DIFFERENCES		TOTAL	
<input type="checkbox"/> PROVISIONAL		BY	=\$ 1,753.38			1,753.38	
<input type="checkbox"/> COMPLETE		AUSA	=\$1.00				
<input type="checkbox"/> PARTIAL		TITLE	John Clapper	Amount verified, correct for			
<input type="checkbox"/> FINAL				(Signature or initials)			
<input type="checkbox"/> PROGRESS							
<input type="checkbox"/> ADVANCE							
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.							
(Date)		(Authorized Certifying Officer) ²				(Title)	
ACCOUNTING CLASSIFICATION							
A1540322 IE4054 2510		1,753.38					
CHECK NUMBER	ON ACCOUNT OF U.S. TREASURY			CHECK NUMBER	ON (Name of bank)		
CASH	DATE	PAYEE ³					
\$					PER		
					TITLE		

¹ When stated in foreign currency, insert name of currency.² If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.³ A voucher is received in the name of a company or corporation, the name of the person writing the company or corporation, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "Partner", as the case may be.

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

Standard Form 1034 Revised October 1987 Department of the Treasury 1750-4-2000 1034-121		PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL				VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION UNITED STATE ATTORNEY DEPARTMENT OF JUSTICE NEW YORK, NY 10007			DATE VOUCHER PREPARED 08/04/2008		SCHEDULE NO. PAID BY DATE INVOICE RECEIVED DISCOUNT TERMS PAYEE'S ACCOUNT NUMBER		
			CONTRACT NUMBER AND DATE 0109270-IN				
			REQUISITION NUMBER AND DATE				
PAYEE'S NAME AND ADDRESS ID# 13-2775946 SOUTHERN DISTRICT REPORTERS, P.C. 500 PEARL STREET NEW YORK, NY 10007		ORDER # 73696 CASE # 07CV04048				GOVERNMENT B/L NUMBER	
SHIPPED FROM		TO		WEIGHT			
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <small>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</small>		QUANTITY	UNIT PRICE COST PER		AMOUNT (¹)
PICK UP		YEMISI AKINYEMI V MICHAEL CHERTOFF, SECY		91	7.98	PGES	726.18
		Original		91	1.20	PGES	109.20
		MINU					
		DATE OF PROCEEDINGS 7/31/2008 TO 7/31/2008					
		NIGHT					
		GOVERNMENT ONLY					
(Use continuation sheets if necessary)		(Payee must NOT use the space below)				TOTAL	
PAYMENT: <input type="checkbox"/> PROVISIONAL <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		APPROVED FOR BY <u>John Clapper</u> TITLE		EXCHANGE RATE ≈\$1.00		DIFFERENCES Amount verified, correct for (Signature or initials)	
		\$ 835.38				835.38	
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.							
(Date)		(Authorized Certifying Officer) ²				(Title)	
ACCOUNTING CLASSIFICATION							
A1540322 IE4054 2510						835.38	
CHECK NUMBER		ON ACCOUNT OF U.S. TREASURY		CHECK NUMBER		ON (Name of bank)	
CASH		DATE		PAYEE ³			
<small>¹ When stated in foreign currency, insert name of currency. ² The ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title. ³ If voucher is registered in the name of a company or corporation, the name of the person writing the company or corporation, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary" or "partner", as the case may be.</small>						PER	
						TITLE	

Previous edition usable

NSN 7540-00-900-2234

PRIVACY ACT STATEMENT

The information requested on this form is required under the provisions of 31 U.S.C. 82b and 82c, for the purpose of disbursing Federal money. The information requested is to identify the particular creditor and the amounts to be paid. Failure to furnish this information will hinder discharge of the payment obligation.

ATTACHMENT B

Ralph Fink & Associates, Inc.
39 West 37th Street
6th Floor
New York, NY 10018
(212) 869-1500 Fax (877) 329-3465

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

INVOICE

INVOICE NO.	DATE	JOB NUMBER
99260	09/24/2007	03-56889
JOB DATE	REPORTER(S)	CASE NUMBER
09/12/2007	DIBEDE	5863
CASE CAPTION		
Akinyemi vs. US		
TERMS		
Net 30		

Original and 2 Copies of:
Yemisi Akinyemi

Ascii disk (s)

Minuscrit (s)

Exhibit Binder (s)

Exhibit Tabs

Photocopying Exhibits

161 Pages @	6.15/Page	990.15
		25.00
		25.00
3.00 @	4.75	14.25
15.00 @	.37	5.55
68.00 Pages @	.42/Page	28.56

TOTAL DUE >>>> 1,088.51

John D. Clopper, Esq.

TAX ID NO.: 13-2656827

(212) 637-2767

Please detach bottom portion and return with payment.

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

Job No. : 03-56889
Case No. : 5863
Akinyemi vs. US
Invoice No.: 99260
Date : 09/24/2007
TOTAL DUE : 1,088.51

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC/AmExp #:

Amount to Charge:

Exp. Date:

Phone #:

Cardholder's Signature:

Remit To: Ralph Fink & Associates, Inc.
39 West 37th Street
6th Floor
New York, NY 10018

ATTACHMENT C

Ralph Fink & Associates, Inc.
39 West 37th Street
6th Floor
New York, NY 10018
(212) 869-1500 Fax (877) 329-3465

INVOICE

INVOICE NO.	DATE	JOB NUMBER
100149	11/26/2007	03-57644
JOB DATE	REPORTER(S)	CASE NUMBER
11/16/2007	SANTEL	5863
CASE CAPTION		
Akinyemi vs. US		
TERMS		
Net 30		

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

Original and 2 Copies of:
Bishop Joseph A. Adedaji

37 Pages @ 6.15/Page 227.55

Original and 2 Copies of:
Akintunde Olubukola Seweje Akinyemi
Ascii disk (s)
Minuscrite (s)

55 Pages @ 6.15/Page 338.25
2.00 Disks @ 25.00/Disk 50.00
2.00 @ 25.00 50.00

TOTAL DUE >>>> 665.80

John D. Clopper, Esq.

TAX ID NO.: 13-2656827

(212) 637-2767

Please detach bottom portion and return with payment.

Carmen Sepulveda
United States Attorney's Office
Budget-Fiscal Office
86 Chambers Street - 3rd Floor
New York, NY 10007

Job No. : 03-57644
Case No. : 5863
Akinyemi vs. US
Invoice No.: 100149
Date : 11/26/2007
TOTAL DUE : 665.80

PAYMENT WITH CREDIT CARD

Card Holder's Name:

VISA/MC/AmExp #:

Amount to Charge:

Exp. Date:

Phone #:

Cardholder's Signature:

Remit To: **Ralph Fink & Associates, Inc.**
39 West 37th Street
6th Floor
New York, NY 10018

ATTACHMENT D

Gibson, Nenjae (USANYS)

From: Jeanette Erickson [jerickson@finkandcarney.com]
Sent: Wednesday, August 13, 2008 4:55 PM
To: Gibson, Nenjae (USANYS)
Subject: Rates

To Whom It May Concern: The cost of an Original and one copy of a deposition transcript is the same as the cost of an Original and two copies.

Jeanette Erickson
Administrator